

Minneapolis City Planning Department Report

Rezoning (BZZ-1076) & Preliminary Plat (PL-126)

Date: March 17, 2003

Applicant: John Warian dba Press Sure Print

Address Of Property: 600 26th Avenue NE and 2542 7th Street NE

Date Application Deemed Complete: February 14, 2003

End of 60 Day Decision Period: April 15, 2003

Contact Person and Phone: Stephen Madsen 651-645-0511

Planning Staff and Phone: Jim Voll 612-673-3887

Ward: 3 **Neighborhood Organization:** Holland Neighborhood Improvement Association

Existing Zoning: I1 Light Industrial District and R1A Single-family District.

Proposed Zoning: Rezoning a portion of the new residential lot from the I1 Light Industrial District to the R1A Single-family District.

Zoning Plate Number: Zoning Plate Number 9

Legal Description: Lot 2 Press Sure Print Addition

Existing Use: Vacant industrial land and a Single-family home.

Appropriate Section(s) of the Zoning Code: Chapter 525, Article VI, Zoning Amendments and Chapter 598 Land Subdivision Regulations.

Background: The applicant, Mr. John Warian, applied for building permits to build a 12,000 square foot warehouse building for the cold storage of paper products. His business, Press Sure Print, is located across 26th Avenue NE to the north. The new building will be storage for this business. In the course of review staff discovered that the property line for Mr. Warian's site passes through the middle of the house located at 2542 7th Street NE, which is owned by Mr. Brandon Jensen. Mr. Warian and Mr. Jensen have signed an agreement to resolve their property line dispute (see attached agreement) and have agreed to replat the lots to more accurately reflect the existing usage of the land by the owners. This replat has moved the common parcel line between the future warehouse site and the existing single-family home to the west approximately 20 feet.

Minneapolis City Planning Department Report
BZZ-1076 & PL-126

The vacant land is currently zoned I1 Light Industrial and the land owned by Mr. Jensen is zoned R1A Single-family residential. The boundary between the two zoning districts is the same as the boundary between the two parcels, so the zoning splits the house in half as well. When the lot line is moved to the west it is necessary to rezone that small part of the site currently zoned I1 Light Industrial to the R1A Single-family District so split zoning is not created on the new residential lot for the single-family home.

The industrial building is a permitted use in the I1 Light Industrial District and the rezoning is not necessary to allow the building to be built. The platting is not required to allow the building to be built either, but is necessary to resolve the property line dispute.

If the plat and rezoning is approved the applicant will have to meet all requirements of the I1 Light Industrial District to construct and operate the new building. Staff would like to point out some items that will be required on the final plans before building permits are issued. The parking lot is required to have screening along the side facing residential properties, the parking lot is required to have one handicapped van accessible parking space, no part of the parking lot may extend into the setbacks, and all open grass areas are required to be landscaped per the zoning code. The BNSF Railroad, as a condition of selling the site to Mr. Warian, required that a six- foot high chain link fence be installed on the southwesterly property line. Staff recommends that this be a black vinyl coated chain link fence.

The vacated part of 7th Street NE was attached to one of the tax parcels being replatted. The BNSF Railroad did not sell this vacated right-of-way to Mr. Warian. It has been retained by the railroad as a part of the bridge easement over Lowry Avenue NE. The applicant should work with the railroad and Hennepin County to make sure this parcel is attached to the railroad's adjacent tax parcel.

REZONING

Findings As Required By The Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The comprehensive plan does not list a specific designation for this area. The land use map shows the area as a mixture of industrial parcels along the rail road right-of way and adjacent residential parcels. Policy 9.18 of *The Minneapolis Plan* states that "Minneapolis will establish land use regulations, in order to achieve the highest possible development standards, enhance the environment, promote flexibility in approaches and otherwise carry out the comprehensive plan." Rezoning so that zoning districts match lot lines and to prevent split zoning on parcels is in conformance with the implementation of land use regulations and is in conformance with this policy of the comprehensive plan.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The rezoning is necessary to match the district boundaries to actual property lines. While moving the lot line is in the interest of the property owners it is also in the interest of the public to have clear and orderly development of land. The subdivision ordinance does not allow split zoning on parcels, so it is necessary to rezone the small part of the new residential lot from industrial to residential. Therefore the rezoning is also in the interest of the public.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The west 20 feet of the new residential lot will be rezoned to match the existing residential zoning of the east half of the lot. Industrial zoning does not allow a single-family home.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

The I1 Light Industrial District allows a wide range of uses, however, it would not be compatible on the same lot as the single family home. In addition, split zoning is not allowed on a lot.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

There has not been a significant change in the pattern of development in the area. The purpose of the rezoning is to eliminate split zoning on a lot and to match the zoning districts to the new lot lines and existing conditions.

PRELIMINARY PLAT

Required Findings:

- 1. Subdivision is in conformance with the land subdivision regulations including the requirements of section 598.80 relating to protection of natural resources, applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.**

The plat meets the design requirements of the zoning code and the land subdivision regulations. The comprehensive plan does not list a specific designation for this area. The land use map shows the area as a mixture of industrial parcels along the rail road right-of way and adjacent residential parcels. Policy 9.18 of *The Minneapolis Plan* states that “Minneapolis will establish land use regulations, in order to achieve the highest possible development standards, enhance the environment, promote flexibility in approaches and otherwise carry out the comprehensive plan.” Rezoning so that zoning districts match lot lines and to prevent split zoning on parcels is in conformance with the implementation of land use regulations and is in conformance with this policy of the comprehensive plan.

- 2. Subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

The subdivision will adjust a common parcel line between two owners to more accurately reflect existing conditions and to eliminate a property line that runs down the middle of a house. A new building will be built on the site, but it will provide the parking and loading spaces required by code.

- 3. All land intended for building sites can be used safely without endangering the residents or uses of the subdivision and the surrounding area by peril from floods, erosion, high water table, severe soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazard.**

The site is flat and does not present the above hazards.

- 4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.**

Access is from 7th Street and 26th Avenue. Grading and alteration will be minimal since the site is flat.

5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The storm water drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.

Existing utility facilities are adequate to service the proposed development. The final plans for the new industrial building will be reviewed by Public Works for stormwater management, erosion control, and drainage.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

REZONING

The City Planning Department recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning application from the I1 Light Industrial District to the R1A Single-family District for property located at 2542 7th Street NE and 600 26th Avenue NE.

PRELIMINARY PLAT

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the preliminary subdivision application for property located at 2542 7th Street NE and 600 26th Avenue NE.